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In re Application of
Audonnet, et al.
Application No. 09/586,535
Filed: May 31, 2000
Attorney Docket No: 454313.2335.1

OFFICE OF PETITIONS

ON PETITION

This is regarding the "Petition to Revive and Waive Rules" filed November 9, 2004. The petition will be treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed oath or declaration.

The petition is granted.

Petitioner has requested that the Declaration and Power of Attorney filed with the petition be accepted as if it were filed when a correct Declaration and Power of Attorney should have been filed during prosecution of the patent application. Petitioner makes this request because it is alleged that the signatures of some of the inventors were falsified on the originally filed declaration.

A review of the file record reveals that a "Notice to File Missing Parts of Nonprovisional Application" was mailed on August 18, 2000, requiring a properly executed oath or declaration. The notice allowed a period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A declaration was filed on October 19, 2000, and was believed to be executed by the named inventors. Petitioner later discovered that some of the signatures on the declaration were forged.

The declaration filed November 9, 2000, is noted as having been received and will be made part of the file record.

The patent file will be directed to Technology Center 1600 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions